

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 47-110(p)(1)

Specific Purpose:

This section is adopted to include a new definition of “Probation” to mean the period of time that a licensed child care provider is required to comply with specific terms and conditions set forth by the California Department of Social Services (CDSS) in order to stay or postpone the revocation of the provider’s license.

Factual Basis:

Education Code Section 8212(e), as amended by Assembly Bill (AB) 72 (Statutes of 2004, Chapter 358), provides direction to county welfare departments (CWDs) that upon being notified that a licensed child care provider has been placed on probation, the CWD is required to take certain actions. Health and Safety Code Section 1596.773 defines probation as the period of time that a licensed child care provider is required to comply with specific terms and conditions set forth by the department in order to stay or postpone the revocation of the provider’s license.

Section 47-110(r)(3)

Specific Purpose:

This section is adopted to include a new definition of “Revocation” to mean an administrative action taken by the CDSS to void or rescind the license of a child care provider due to serious or chronic violations by the provider.

Factual Basis:

Education Code Section 8212(e), as amended by AB 72 (Statutes of 2004, Chapter 358), provides direction to CWDs that upon being notified that a child care provider’s license has been revoked, the CWD is required to take certain actions. Health and Safety Code Section 1596.773 defines revocation as an administrative action taken by the department to void or rescind the license of a child care provider because of serious or chronic violations of licensing laws or regulations by the provider.

Section 47-110(t)(1)

Specific Purpose:

This section is adopted to include a new definition of “Temporary Suspension Order” (TSO) to mean an administrative action taken by CDSS that immediately suspends a child care provider’s license.

Factual Basis:

Education Code Section 8212(e), as amended by AB 72 (Statutes of 2004, Chapter 358), provides direction to CWDs that upon being notified of a temporary suspension order for a licensed child care provider, the CWD is to take certain actions. Health and Safety Code Section 1596.886 states that the temporary suspension of any license is the action necessary to protect any child of a child care facility from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

Section 47-301.9

Specific Purpose:

This section title is adopted to provide a location for the procedural instructions to CWDs when the CWD has been notified that an action has been taken against a child care provider. This includes circumstances when the provider’s license has been revoked, temporarily suspended, or placed on probation.

Factual Basis:

This section is necessary to implement Section 8212(e) of the Education Code, which was amended by AB 72 (Statutes of 2004, Chapter 358) and became effective on January 1, 2005.

Section 47-301.91 et seq.

Specific Purpose:

These sections are added to direct CWDs to terminate payments to the child care provider and to notify parents and the child care provider of the termination within two business days of being informed that the child care provider’s license has been revoked or temporarily suspended. Although payment to the provider is terminated, the family remains eligible for child care services.

Factual Basis:

These sections are necessary to implement Section 8212(e) of the Education Code, which was amended by AB 72 (Statutes of 2004, Chapter 358) and became effective on January 1, 2005. Education Code Section 8212(e) states that within two days of being notified of a revocation or a TSO for a licensed child care provider, the child care program must terminate payments to the provider and notify each parent and the provider in writing that payments have been terminated and the reason for the termination.

Section 47-301.92

Specific Purpose:

This section is added to direct CWDs to notify parents in writing when their child care provider's license has been placed on probation. The CWD must provide this notice within two days of being informed of the probationary status. The CWD must also inform parents in writing that they have the option of locating alternate child care or remaining with the same provider without interruption of payments.

Factual Basis:

This section is necessary to implement Section 8212(e) of the Education Code which was amended by AB 72 (Statutes of 2004, Chapter 358) and became effective on January 1, 2005. Education Code Section 8212(e) states that upon being notified that a licensed child care provider has been placed on probation, the CWD must notify each parent in writing that the provider has been placed on probation and that the parent has the option of selecting a different provider or remaining with the same provider without risk of termination of payment.

b) Identification of Documents Upon Which Department Is Relying

AB 72, Chapter 358, Stats of 2004

Health and Safety Code Section 1596.886

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to Section 17500, et seq. of the Government Code because implementation of the regulations will, if anything, result in no costs.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.